

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 135C.14 and 135C.36, the Department of Inspections and Appeals hereby gives Notice of Intended Action to amend Chapter 56, “Fining and Citations,” Iowa Administrative Code.

The amendment to Chapter 56 removes a facility’s option to request surveyor worksheets for the citation(s) being disputed at an informal conference. The Department is the designated State Survey Agency for the federal Centers for Medicare and Medicaid Services (CMS) and conducts certification surveys and investigations on its behalf to ensure compliance with federal regulations. CMS recently provided the Department with written notice that surveyor worksheets created or collected during federal surveys and investigations are releasable for federal informal dispute resolution only through a valid federal Freedom of Information Act request. Because the Department simultaneously conducts federal and state surveys and investigations and holds federal informal dispute resolution meetings simultaneously with state informal conferences, the proposed amendment to subrule 56.14(3) is intended to maintain consistency between state and federal requirements.

The Department does not believe that the proposed amendment imposes any financial hardship on any regulated entity, body, or individual.

The proposed amendment was initially reviewed by the State Board of Health at its March 11, 2015, meeting.

Any interested person may make written suggestions or comments on the proposed amendment on or before April 21, 2015. Such written materials should be addressed to the Director, Department of Inspections and Appeals, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)242-6863; or e-mailed to david.werning@dia.iowa.gov.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code sections 135C.14 and 135C.36.

The following amendment is proposed.

Amend paragraph **56.14(3)“b”** as follows:

b. Request for informal conference. The request for an informal conference must be in writing, addressed to the compliance officer and include the following:

- (1) Identification of the citation(s) being disputed; and
- (2) The type of informal conference requested: face-to-face or telephone conference; and
- (3) ~~A request for surveyor worksheets for the citation(s) being disputed, if desired.~~